

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 29, 1967
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Akin presiding.

Roll call

Present: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Absent: None

Present also: James A. Wilson, City Manager; Doren R. Eskew, City Attorney; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND MILTON DARE, Memorial Methodist Church.

Councilman Long moved that the Minutes of the meeting of June 1, 1967, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

Mayor Akin introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 5.0 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Unplatted tract)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on July 20, 1967. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

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BUILDING PERMIT - 400 BLOCK RIVERSIDE DRIVE

The Building Official reported this request was by Mr. Earl Jackson to erect four office buildings on the north side of Riverside Drive between South Shore Apartments and the Steak House. The request was before the Council because the area was within 500' on Town Lake. The Building Official stated this development would not affect the Town Lake Expressway. Councilman Long moved that a Building Permit at 400 block on Riverside Drive be granted. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

BOAT DOCK - MR. CARL E. WOOTTEN

The Building Official presented the request of Mr. Carl E. Wootten for a fishing dock on Lots 11 and 12, Block A, Rivercrest Addition; showed the plans, and had recommended that the dock be cut back from the requested 40' to 32'. Councilman Nichols offered the following resolution and moved its adoption, the dock not to extend farther than 32' into the lake:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approve the erection of a fishing dock on the property owned by MR. CARL WOOTTEN as described in the Travis County Deed Records and known as Lots 11 and 12, Block A, Rivercrest Addition as described on the attached plot plan and hereby authorizes the said MR. WOOTTEN to construct, maintain and operate this fishing dock to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Official is hereby authorized to issue an occupancy permit for the erection of this fishing dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable, and proper, present and future regulations and ordinance of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said MR. WOOTTEN has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
June 23, 1967

"Memorandum To: Mr. W. T. Williams, Jr., City Manager
Subject: RESOLUTION, FISHING DOCK

"I, the undersigned, have reviewed the plans and have considered the application of Mr. Carl E. Wootten, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lots 11 and 12, Block A, Rivercrest Addition as described on the attached plans recorded in the Travis County Deed Records, for permission to

construct and maintain a fishing dock projecting out into the lake approximately forty (40') feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Wootten is granted his request by the City Council, that it be subject to the following conditions.

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction. Due to the fact that there are existing docks on each side of this property, neither extending more than thirty-two (32') feet into the lake, this dock should not extend more than 32' into the lake and not be closer than ten (10') feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which shall show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the lake be constantly kept in a state of good repair and that the premises be kept reasonable clean at all times.

"Respectfully submitted,
s/ Dick T. Jordan
Dick T. Jordan
Building Official "

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen Long, Nichols, Janes, LaRue, Mayor Akin
Noes: None

FLASHING SIGNAL - SCENIC DRIVE AND TAYLOR DRIVE

The Council had before it consideration of a four way stop sign on Taylor Drive and Scenic Drive as brought up by Councilman Long the week before. The City Manager, MR. WILSON, reported the problem is an eight or twelve foot rock bluff at the intersection and to remove this would be an expensive item. Councilman Long suggested an amber flashing signal on Scenic Drive. The Traffic Engineer's recommendation was that a four-way stop sign was not warranted; however he did not comment on a flashing signal. Councilman Janes having gone by the intersection noted there was a marker indicating an intersection. He suggested that the Traffic Engineer be asked to consider a twenty five mile speed limit sign on Scenic Drive at this point, and an additional sign that says "Dangerous Intersection Ahead". MR. HARRY FRAZIER, Assistant to the City Manager, reported the Public Works Director had contacted the property owner who is agreeable to having this bluff removed, and his shrubs and sprinkler system set back on his property line. The estimated cost is \$2,000. The property owner would ask that this work be delayed until fall so that the shrubbery could be transplanted during a growing season. The City Manager suggested asking the Transportation Department to explore the possibility of putting a flashing

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amber light and see how this allievates the situation; and in the meantime look into the possibility of spending \$2,000 to cut down the bluff, and replant the vegetation. Councilman Long moved that the Council proceed in that direction, asking that a flashing amber light be installed with a danger sign on Scenic Drive at the intersection of Taylor Drive. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

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The City Manager submitted the following:

"June 21, 1967

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams:

"Sealed bids for MANCHACA ROAD WATER MAINS were received until 11:00 A.M., Wednesday, June 21, 1967, at the Office of the Director of the Water and Sewer Department for the installation of approximately 3,295 feet of 8-inch cast iron water main in Manchaca Road, from approximately 400 feet north of Davis Lane to approximately 1,500 feet south of Matthews Lane. The purpose of this project is to reinforce the Davis Lane Pump Station in City owned Water District No. 5. The bids were publicly opened and read in the City Council Room of the Municipal Building.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Walter Schmidt Construction Company	\$16,744.75	30
Griffin Construction Company	17,890.00	30
Ford-Wehmeyer, Incorporated	18,344.25	45
Eland Construction Company	20,415.75	21
Austin Engineering Company	23,326.50	20
City of Austin (Estimate)	15,623.50	30

"It is our recommendation that this contract be awarded to the Walter Schmidt Construction Company on their low bid of \$16,744.75, with 30 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr.
Director Water and Sewer Department"

Councilman Long was interested in this project as to any double problem in connection with the widening of Manchaca Road and construction of sidewalks along the park. The delegation last week was anxious about the children's having to walk in the street on which the traffic had increased; and if construction is to be done in this area, she wanted the children to have a path

provided for them during that time. The Director of Water Utilities stated this installation would be about a mile and a half south of the park on the west side of Manchaca. This was one of two projects proposed in the area; the other would be along an easement being acquired on Cooper Lane to Manchaca Road in the general vicinity of the park. Councilman LaRue asked if reinforcing these lines were a general practice when Water Districts are purchased. The Director of Utilities said generally speaking this is the case, as when they take over a district, the area develops rapidly. The City Manager gave an engineers' estimate of \$15,623, and the low bid was \$16,744. The remainder of the bids are over the City's estimate, and this was considered a good bid.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 21, 1967, for the installation of approximately 3,295 feet of 8-inch cast iron water main in Manchaca Road, from approximately 400 feet north of Davis Lane to approximately 1,500 feet south of Matthews Lane; and

WHEREAS, the bid of Walter Schmidt Construction Company in the sum of \$16,744.75, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Walter Schmidt Construction Company in the sum of \$16,744.75, be and the same is hereby accepted, and that James A. Wilson, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Walter Schmidt Construction Company.

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols

Noes: None

MAYOR AKIN announced it was 10:30 A.M. and opened the hearing on annexation of proposed Northwest Hills Mesa Oaks, Phase 4-A; proposed Cherrylawn, Section 5-A; and proposed Vanzura Subdivision. No one appeared to be heard. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin

Noes: None

Mayor Akin brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.34 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ELDRIDGE SURVEY; 14.05 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; AND 0.04 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE, ALL LOCATED

IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Cherrylawn, Sec. 5-A; Northwest Hills, Mesa Oaks, Phase 4-A; Vanzura Subdivision)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilman Long moved that the Council accept the recommendation of the Building Standards Commission as follows:

2304 East 10th Street (Mr. Robert Smith)	- That the structure located on this lot be declared a public nuisance by the City Council; that the City Council refer this unit to the Legal Department; that the Legal Department cite the owner by publication and seek whatever legal jurisdiction necessary to demolish the unit; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.
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The motion, seconded by Councilman Nichols, carried by the following vote:
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

SALE OF GENERAL OBLIGATION BONDS
AUGUST 24, 1967

The City Manager reported FIRST SOUTHWEST COMPANY, Dallas, was engaged for consultation on the \$14,000,000 General Obligation Bond issue in 1965, and they contracted with the City to advise on the Revenue Bonds authorized in 1966. These two issues were five year bond programs to finance the City's Master Capital Improvement Projects of the General Government and the Utility areas. The recommendation of the Fiscal advisors is to sell \$3,000,000 General Obligation

Bonds and they suggested August 24th as a date. Both he and the Finance Director recommended that the Fiscal Advisors' suggested date be accepted to sell \$3,000,000 General Obligation Bonds. Councilman Long inquired about the Parks and Recreation Bond Fund remainder. The Director of Finance reported after this sale there would be \$900,000. Councilman Long suggested \$250,000 be added to the Parks and Recreation sale and that the Town Lake Program be stepped up since the recommendation had cited an amount from \$3,000,000 to \$3,500,000. The Finance Director explained this was a banking situation for this amount which was already committed; that in February, 1968 there would be another bond sale. Councilman LaRue discussed the bond market. The Finance Director estimated the interest rate, and hoped that it would improve. He appreciated Councilman Long's views, stating the item could be increased. Councilman Janes inquired about the proposed \$250,000. The Finance Director said these amounts were the estimates needed each month for the remainder of the fiscal year on existing projects, and do not provide for contingencies. He reported bonds would be sold again next year; there is a flexibility, and he had a hope the market would improve in January or February. Councilman Janes asked if there were a possibility of the rate being lower in January or February not to offer more than the \$3,000,000 at this time as over a 25 year period they would stand ahead by waiting until the spring. Mr. Barker said it would be his recommendation to sell \$3,000,000.

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to advertise for bids on the sale of Bonds of the City of Austin at 10:00 A.M., August 24, 1967, as follows:

Hospital Building General Obligation Bonds,
authorized at an election August 22, 1964 \$400,000.00

Parks, Playground and Recreation General
Obligation Bonds, authorized at an election
August 22, 1964 250,000.00

Streets, Bridges, and Drainage General
Obligation Bonds, authorized at an election
August 22, 1964 2,000,000.00

Library General Obligation Bonds, authorized
at an election August 6, 1960 100,000.00

Highway Rights of Way General Obligation Bonds
authorized at an election May 12, 1956 50,000.00

Fire Station General Obligation Bonds author-
ized at an election August 22, 1964 200,000.00

General Obligation Bonds Total \$3,000,000.00

Advertisements for such bids shall be in the usual and customary form and shall be published at least once in The Austin Statesman, Austin, Texas,

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and in The Bond Buyer, New York, New York, and in addition shall be given such circulation as will invite attention to the proposed sale. The right shall be reserved to the City of Austin to reject any and all bids, and advertisements shall direct the filing of sealed bids to be opened by the City Council at a regular meeting held for such purpose in the City Hall at the time and date hereinbefore set forth.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

Councilman Long made the following statement regarding her vote:

"Of course I am disappointed that we do not accelerate the Town Lake Program and Park Program. Naturally you have to set a date, and we have to sell bonds, and I am supporting the \$3,000,000 but I am disappointed we do not accelerate the Town Lake Program."

Councilman Long wanted to see the Town Lake Program stepped up, as she was not sure that the \$250,000 allocated to all the Parks and Recreation Program, would do much more than scratch the surface. In answer to Councilman LaRue's inquiry, the Finance Director stated the basis of the five year program was the ability of the City to pay this debt out of a 34¢ tax levy which was in effect at that time and which had been in effect for ten years prior to that time. The City Manager stated they went to the people in 1965 asking for this five year bond authority of \$15,000,000 to issue \$3,000,000 a year for the general government projects. They were quite concerned with the effect that issuing at a faster rate would have on their covenant or the ratio of assessed valuations to total taxation of the City. The 34¢ had been in effect for 10 years prior to the authorization by the people. The Department Heads made up what they thought would be their needs during this period, scheduling them at each year. It was his recommendation, Mr. Barker's and First Southwest Corporation's that \$3,000,000 be sold on August 24th. Within \$250,000 there is leeway for the Council to take the projects recommended by the Recreation Director and see what can be transferred to Town Lake Development if the Council desired. He said the administration stood ready to assist the Council in any way it sees fit. Councilman Long stated a great part of this \$250,000 would be for land purchases and very little to develop these projects. She said she had advocated in her campaign stepping up the Town Lake Program, and this was the time for her to try to do so; and by adding \$250,000 more the financial status would not be affected in any way. If they wanted to accelerate the Lake program, it could be done. At Mayor Akin's request, the Director of Finance read a general list of projects for which the Recreation money will be spent at this time: Givens Park, Bartholomew Park, landscaping in front of the Auditorium, development of Southwest Park, and the Police Little League Park. These are what they need the money for at this time. The information he had for next year from the Recreation Director was three different playgrounds, \$9,000; Festival Beach, \$60,000; Givens Parks Shelter, \$6,000 and Auditorium Shores approximately \$30,000. Those are estimates of monies needed; but he did not know whether any of it was for acceleration or not. Mayor Akin asked if there were no chance that more than \$3,000,000 would be needed before next January. The Finance Director stated there was a chance; and a bond sale could be scheduled in December if it is decided by the administration and Council that it is necessary.

Mayor Akin brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: LOTS 4 AND 5, BLOCK 1, AUSTIN HEIGHTS, LOCALLY KNOWN AS 2707-2709 MANOR ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Attorney stated the right of way had been provided.

Mayor Akin brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) LOTS 18-22, BLOCK 9 OF HYDE PARK ADDITION NO. 2, LOCALLY KNOWN AS 3900-3904 AVENUE C AND 300-302 WEST 39TH STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (2) THE NORTH 15 FEET OF LOT 30 AND ALL OF LOTS 31-34, BLOCK 9 OF THE HYDE PARK ADDITION NO. 2, LOCALLY KNOWN AS 3912-3914 AVENUE C AND 301-303 WEST 40TH STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin
Noes: Councilman Janes

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin
Noes: Councilman James

The Mayor announced that the ordinance had been finally passed.

HEARING ON AMBULANCE FRANCHISES

MR. CHRYS DOUGHERTY announced they were prepared to proceed this morning with their hearing. They made a request for publication as required by law and received a receipt from the City Clerk accepting their fee for publication as required under the Charter; and under the Ordinance it is the duty for the City Clerk to publish the ordinance. They had just discovered the ordinance required to be published on three consecutive days had been published only once by the City Clerk. They had no alternative now except to republish, and he requested a new setting for the hearing. He asked that what occurred in the City Clerk's office be explained so the Council would be fully aware of what occurred, and that it was through no fault of theirs. They were prepared for their presentation, but they cannot proceed because of the failure to publish the notice on three consecutive days. The City Clerk admitted overlooking the part of this particular franchise ordinance where it provided publication for three consecutive days before the hearing. It was a complete mistake on her part.

MR. DOUGHERTY asked the Council to reschedule the hearing. The Council today will be considering the request of the CITY AMBULANCE SERVICE for a hearing and within the next three days publication of the CITY AMBULANCE SERVICE franchise ordinance will be made. Mr. Dougherty explained the position of the AUSTIN TRANSPORTATION COMPANY in light of the error of publications, and that they were prepared to make an extensive presentation on the necessity of a second ambulance company. He pointed out AUSTIN TRANSPORTATION COMPANY filed its application, was scheduled to be heard today; it has a contract with the City; and it did not want to lose its priority in the time for hearing and presentation of its application first. The City Ambulance Company request now could be heard before the Austin Transportation Company, and the Austin Transportation Company would be seriously prejudiced thereby. He suggested since the delay was no fault of theirs, that the Council hear the Austin Transportation Company on July 13th, and that the City Ambulance Ordinance be set one week later on July 20th. If their request were not in order, he asked if the hearings are set on the same day that the Austin Transportation Company be heard first. Councilman Long favored hearing both companies at the same time. MR. JIM GRANGER, representing MR. DOYLE CARTER, had filed last Thursday an application for an ambulance transfer vehicular franchise, and had offered the ordinance which was proposed together with the notice to be published in the paper. Mr. Granger was perfectly willing to have their hearing set on the same date at the pleasure of Mr. Dougherty and the Council. He objected to Mr. Dougherty's view that Austin Ambulance Service should have a franchise granted to them prior to City Ambulance's Franchise being granted, assuming that they both be granted. He asked that both franchise ordinances be heard at the same time, so that they would have equal rights. Mr. Dougherty said he did not intend for his remarks to be interpreted that the Council should grant the Austin Transportation Company a franchise first. He thought the Council would like to have the full

presentation when they considered the other. He wanted the presentation to be made to the Council and information be made available the time it acts on the franchise. He would make a full presentation on public convenience and necessity. On the priority, they were set first, and they felt justly that they had been prejudiced unfairly, and he requested that their request be set on a separate day.

Councilman LaRue stated this should be gone into as thoroughly as possible as there is some interest as being first holder, and this is not the ordinary type of thing the Council usually faces.

Councilman Long moved to set the hearing on July 20th at 10:35 A.M. to hear the Austin Transportation Company first in view of their first application, and then hear the City Ambulance Company second. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

OPEN HOUSING ORDINANCE - VOLMA OVERTON NAACP

MR. VOLMA OVERTON appeared in behalf of citizens of Austin interested in the purchase of homes which they are not able to do because they have no choice. He presented the Council an ordinance for open housing in Austin, stating there were people who suffer humility and when the salesmen offer them homes to buy tell them they could sell the same home in Stonegate and Springdale Hills, but it would cost nearly \$1,000 more. They have to pay the risk of a greater down payment, or they have to go by the same standards to be accepted to buy a house. Open housing has not made an avalanche for negro people in any community. These people are seeking to buy a house of their own choosing. They are not interested in their white neighbors, but are interested in purchasing a house where they can live. He said Secretary of Defense McNamara issued a directive to all military bases to put on off limits any area around military bases that will not lease or rent to negroes. He quoted the article from the paper of June 23rd. Mr. Overton stated the N.A.A.C.P. planned to see that these directives were carried out. He read the fair housing ordinance. Mr. Overton said attorneys had observed this ordinance and think it is a fine start, and the humiliation and discrimination that many people in Austin suffer must be stopped. He said they were in a position that they would direct to any firm, State or Federal Government, that no agency will relocate in this area unless some position has been taken to eliminate the humiliation that their people suffer. These people are coming to Austin and want to buy a home of their choice and not be directed to an area. He introduced MRS. AZA MORTON, a government employee recently located in Austin.

MRS. AZA MORTON returned from Washington D. C. where she had worked for the Federal Government. She related her efforts in trying to find an apartment, rent or buy a house, stating there were very few apartments and houses for rent to negroes. Greater problems were encountered when she tried to buy a house. She described the houses in Springdale and Stonegate Additions, stating the price range was \$18,950 to \$21,950, but they do not have sufficient closet space, or the rooms are too small. The real estate agents would not sell houses in subdivisions, and told of her experiences, which create a lot of problems --

demonstrations -- riots. These problems are annoying, frustrating, and she suggested to the Council that this was a segregated city, and she urged the Council to give very serious consideration to passing a housing ordinance which would have some teeth to relieve some of these conditions. Mr. Overton said 20 similar cases were registered with their office. He reported some areas were open to negroes, but they had to pay a "risk" price. In answer to MAYOR AKIN'S question, Mr. Overton said he had contracts with the Real Estate Association and other groups of people, and they were 100% in favor of the passage of this ordinance. MAYOR AKIN asked if his proposed ordinance were patterned after the National Civil Rights provision. Councilman Long asked if this were designed after the State Law rather than a City Ordinance type? Mr. Overton said it was designed for cities and state. Councilman Long said it was more enforceable on a State wide level. The City Attorney said he had not seen the ordinance, and he would have to research it, as it is different from any ordinance the City has now; and he would be glad to research it and report his views on its validity. MRS. ETHEL BARROW said she was often humiliated because her negro friends could not find houses where they wanted to live; and she would be very proud if the Council could find some ordinance to provide that all citizens would be treated equally in every part of the City. MRS. MORTON offered to provide the Council with copies of ordinances provided in other cities and also state laws. The Mayor said the Council would be glad to have any material and assistance in this regard. He assured Mr. Overton and their associates that this matter would have interested consideration of the request, and he suggested there may be other citizens who would like to be heard if given proper notice of such a hearing in the future. Councilman Long wanted to have more information and to get copies of these ordinances from other cities, stating the City was limited to a certain extent and she did not know if they would over reach this authority if they went out in this field. She agreed that before the Council considered adopting such an ordinance that there should be public hearings. Councilman Janes said he felt certain the City Attorney would be glad to receive any information that would help him evaluate this, and he suggested that Mr. Overton and Mrs. Morton supply not only the Council but the City Attorney with the additional information. Mayor Akin stated the Council would be giving the request its attention.

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MR. C. T. USELTON said over the last three years he had acquired a tract of ground on the southwest corner of North Lamar, Anderson Lane, and Highway 183, containing 256,000 square feet, at an investment of \$250,000. At first he was told by Highway Engineers there were no plans for an interchange at this intersection for the next five or ten years, so he proceeded to develop a commercial shopping center and began to lease with AAA lessees. He then learned the City had refused a building permit to Raymond Ramsey and Nelson Puett across the street from him, as there was to be an interchange there. He checked this and found from Mr. Schmidt, State Highway Engineer, District 14, that there would be a big interchange, and that some of his property was to be included. The State has asked the City to acquire this land, one proposal being to purchase 60,000 square feet, and the other 80,000 square feet. This would completely destroy his shopping center. He had tried to buy property to the west, but the price was prohibitive. It costs between \$14,000-\$16,000 to hold this property. Mr. Useton was ready to proceed with his shopping center and his position was if the City were going to buy his land, he wanted it to buy it; if not, he wants a building permit. This amount of property taken from his development would

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cost him 100 parking spaces, which would make his development out of parking ratio to obtain AAA leases. The City Attorney reported on conferences held between the Director of Public Works, Director of Water and Sewer, and the Highway Engineers. The intersection at Lamar and Highway 183 was completely reworked, and the Highway Department is now of the opinion it is necessary to have a grade separation at this point, and had asked the City if it would participate. MR. WILLIAMS had been searching to see where the City could obtain the funds to acquire the right of way, the city's portion being \$350,000. The State has the money allocated and is ready to go, and it is a question when the City is ready. Councilman LaRue moved that the City Manager be authorized to investigate this and report back to the City Council. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols

Noes: None

MR. NELSON PUETT involved in this same problem, stated the \$350,000 estimated would be \$700,000 and the interest on that is \$200 a day. Mr. Puett wanted the City to go on and buy the right of way from him or let him proceed with development. He started his development last summer, had it zoned, the subdivision was approved, he gave 10' right of way, leases were signed, and the contractor started work, and then could not get a building permit. He asked that the City purchase the property now or authorize the permit. Councilman Janes asked about the amount of money involved, and Mr. Puett stated he was taking a fair market value. The City Attorney stated the City's portion of the right of way for this project would be around \$350,000. Councilman Janes inquired if this money would be in the bond money sold in August. The City Manager reported the \$2,000,000 was already earmarked for projects. This interchange project had been conceived and designed since the bond program planning. Councilman LaRue moved that the City Manager be asked to investigate this and report back as soon as possible. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin

Noes: None

MR. NELSON PUETT stated in 1953, MR. WILLIAM WALTER GATES, 2108 West 11th Street, had a house, a big fenced in yard and adjacent vacant property. MR. PUETT said Mr. Edgar Jackson sold him that property, and Mr. Puett said he knew the entire situation. Mr. Gates had a good title to the lot on which he had his house, but he had no title to the property he had fenced in other than he had it fenced in. To the property outside the fence, Mr. Gates had no title, but he just lived there and claimed it, knowing the history of the property, that it had been given to a slave by a former governor. No one had good title. Mr. Puett said he had Mr. Gates to give him three deeds, one to his house; one to the part he had fenced in, because he had no claim to that; and a third to the property outside the fence, which he used occasionally and which he had no particular claim. Mr. Puett said he had paid all the taxes on the property, some of them dating back to 1929, and the property was in his title for eight years until 1961. Mr. Puett pointed out a tax benefit a realtor has in donating property to a charitable institution, and take a deduction on taxable income. He listed property he had given to the City of Austin--not to be charitable; but because in each case the property was fouled up in such a way that only the City could use it. One was on Fortview Road; one was property joining the

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Little League property on the railroad; others were lots and vacant property in St. Anthony Village. Mr. Puett stated when the Internal Revenue Agent checked with the Tax Department for valuations, the Appraiser gave him valuations which were very low, and he would have to have his properties reappraised. He gave a formula of a dollar lost in taxes amounting to \$3.40. Regarding the property on Winsted Lane, Mr. Puett read a letter written to the Mayor in 1962, explaining he had tried to get title to it; was not able to get a clear title; and that he would like to deed the City all the property for which he had claimed some semblance of title by way of warranty deed from Mr. Gates. The letter cited if the City would accept his claim as a donation to the City, he did not believe the City would be taking anything from anybody because nobody actually had anything. Mr. Puett said he did not claim he had good title. During the time he had the property no one tried to take it away from him; nor no one tried to take it away from Mr. Gates. Mr. Puett said he was told by a representative from the Internal Revenue Department that the City had given this property to the Wendlandts; therefore the property was not worth anything as it had been given away. Mr. Puett said this transaction cost him \$18,200 in taxes which was \$63,000 plus interest since 1961. Mr. Puett's opinion was that if the City did not want the property it should have deeded it back to him. Six months later, the Wendlandts had title to the property. Mr. Puett had paid taxes on the property back to 1929. He asked the Council to appoint a committee to look into this matter, and to talk to Mr. Gates, Mr. Jackson, and Mr. Jeffrey. Mr. Hooper had filed suit for him to get title, but he died. Mr. Puett asked that something be done to put him back in the financial position he was, as the City accepted the property. (Deeded in 1961) Councilman Long noted the Wendlandts evidently paid something for the property. The City Attorney stated about \$800.00 was paid. Councilman Long asked if he wanted the City to determine this property was a certain value. Mr. Puett said what he wanted from the City--the money it cost him in income tax that he had to pay because the City gave the property away. In answer to Councilman Long's inquiry, Mr. Puett stated it cost him \$63,000 plus interest that is still running today for \$18,200. Councilman LaRue wanted to know where the City was derelict in that it gave away some property that had some value and thereby reduced the tax deduction? Mr. Puett asked that someone talk with all the people involved and determine a figure that it cost him and give him a check.

The City Attorney submitted a chain of title running down from Governor Pease to the Wendlandts, the record chain of title outside of Mr. Puett's deeds. This was where title had emanated before the deed from Mr. Puett was received. The City Attorney made a report on the matter. The question was of opinion of value of an interest of land which the Internal Revenue Agent had that was contrary to the opinion what other people had.

Irrespective of what the City's sales price was, the interest in land deeded to the City had a value which could be established; and for what ever the City had sold it. The Internal Revenue Department would not have been bound by that amount.

The City Attorney reviewed the matter beginning in August 1961, again reading the letter addressed to Mayor Palmer and setting out opinions about the title of the property. The letter cited if the City would accept Mr. Puett's claim and donation to the City, he would not believe it would be taking anything from any body, because nobody actually had anything; and as he had paid Gates for it and had spent a lot on legal work, that he would be the only one that would be out anything, and he believed the City could clear the title eventually and have a tremendous valuable beautiful piece of property, which could be used

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for parks, swimming pool or other recreational purposes. The City Attorney reported there had already been filed at that time a law suit by Mr. Puett which was subsequently set for trial, and then Mr. Puett's attorneys took a non-suit in that trial for title to the property. The deed from Mr. Puett covered a considerable amount of property not covered by the deed to him. On April 23, 1958, the City Manager received a letter from Mr. Puett to the effect he was enclosing \$118.00 for the assessment on West 11th Street, but that it would be impossible to pay the assessment on the adjoining property because he did not have good title to the property; as that vacant property between 11th and 12th all the way to Winsted Lane was in a state of continued litigation. The City Attorney stated West 12th Street was paved on February 1, 1962 and the cost of paving the property which Mr. Puett had deeded to the City was \$482.64. MR. GOETHRIGHT, one of the owners of part of the property, paid \$246.05 on 11th Street paving on a portion of the property which Mr. Puett had already deeded to the City of Austin. The Public Works Department made up the list of the paving assessment and sent the assessment to the owners of record. Mr. Goethright was one of the owners of record, received the bill, and paid the City. On March 5 and on March 31, 1962, MR. WALTER WENDLANDT brought in his abstract of title and stated that the claim the City was making on the property was a cloud on the title, and they were getting ready to sell the property or to build on it, and he wanted to find out if the City wanted to litigate a trespass to try title suit or if it would be willing to settle the matter. The City Attorney stated they had investigated the title independent of Mr. Wendlandt's investigation and found his claims were apparently valid. The Law Department then tried to see what could be salvaged from the City's point of view. There were \$800.00 paving assessments. MR. BOYD, in the Legal Department, recommended that inasmuch as Mr. Puett had stated he did not have title in 1958, and that he had filed a trespass to try title suit in 1960 and after answer had been filed by the defendants, that his attorney took a non-suit and dismissed the case; and since Mr. Puett's name did not appear in the record chain of title there was no indication of adverse possession by him of the property; and since the Wendlandts did have record of title to the property together with Bertie Sellers, Wm. Brown and Charles Wendlandt, the Law Department set about to get them to pay the paving assessment which otherwise the City would have had to bear. In addition to the expense of what certainly appeared to them, a useless litigation on the City's part, it was recommended to the Council which adopted a Resolution authorizing the execution of a quitclaim deed to the Wendlandts for \$874.14, the total of the paving assessments. The City Attorney stated he regretted any time any citizens efforts to be beneficial to the City should result to a detriment. He said after examining the title and finding the City was faced with an expensive piece of litigation and expensive paving; and since Mr. Puett had stated in writing to the Council that it did not look to him that anybody could make good title to the property, and that he had brought suit to perfect title and thereafter dismissed his suit, it did not occur to the City people that there was any point to go see Mr. Puett. He again expressed regret of inconvenience to Mr. Puett. He summarized the matter as the important question was what was the market value of that gift on that date when Mr. Puett gave it to the City.

Mr. Puett discussed his adverse possession, stating he had the property fenced in for eight years, and had paid the taxes on it from 1929. Councilman Nichols asked if the Internal Revenue after it said since some property was given away and had no value to him if they came back later and allowed him some tax benefit. Councilman Long stated it was \$4,000. Councilman Nichols said this would indicate apparently Mr. Puett must have had from their line of reasoning some claim. Mr. Puett stated he had \$4,000. The City Attorney stated the fact that Mr. Puett had a considerable amount of expense involved in this,

the Federal Government recognized this completely apart from the question of the value of the land. The expense of trying to perfect title would be recognized.

Councilman Long stated in analyzing this, it seemed that Mr. Puett had given the City something, and had said they sold it to someone else, so the City would not owe Mr. Puett anything. Mr. Puett said it cost him \$18,000. Councilman Janes stated it was agreed that Mr. Puett did not give title to the property but gave his position--Mr. Puett said "Semblance of a title". Councilman Janes stated if Mr. Puett would file suit, that would create an investigation that would be more thorough than anything the Council could do. MAYOR AKIN said the original request was that the Council appoint a committee to make an investigation and he noted it would be an astute committee that would have the capability to give this a fair investigation. Mayor Akin said this matter seems to really belong in a Court. Discussion was held on various points mentioned previously.

RIGHT OF WAY ON SOUTH LAMAR SQUARE

MR. NELSON PUETT said he could not get his development approved because he could not get payment for the 10' of right of way which the city wants. He said this development began in March, 1967, and he valued the 10' at \$1.00 a foot. The City Attorney stated it appears Lamar is 80' wide now; and under the policy which the City has followed for a long time, if over 35' of the half of the 80' right of way came off of this property, then Mr. Puett would be paid for the 10' at the market price. He said there was no problem. The City pays in excess of 70' assuming 35' came off of both properties. Councilman LaRue moved that the City Manager be asked to investigate this question having to do with the right of way at Lamar Boulevard and Treadwell and report back to the Council. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

HEARING ON DOG ORDINANCE

MAYOR AKIN announced this was a hearing on the Dog Ordinances and called on the City Attorney to review and explain the ordinance. Councilman Long pointed out there was some confusion as to how this ordinance would operate.

The City Attorney said Councilman Long had asked for research to be done as a result of the number of complaints she had received from people concerning barking dogs. There is no state law or city ordinance on the subject at this time. He read the ordinance having to do with barking dogs (Ordinance No. 670615-A) explaining the wording and the operation of the ordinance stating the Police Officer in a large majority of cases would not be the person who could file the complaint. The offended citizen would be called on, if he reports an

offense under this ordinance, to file sworn complaints which will be prosecuted in Corporation Court. The complainant will present evidence of the nature of the noise which has been offending and the defendant will be free to cross-examine the witnesses and to present his own evidence.

The City Attorney explained the other ordinance which prohibits dogs from being allowed to stroll off their property. He read this ordinance, explaining the enforcement problems encountered under this ordinance, and the proposed ordinance which authorizes members of the Police Department to enter upon any land or premises and to pick up and impound any dog which is not then and there under the immediate personal supervision and command of its owner or handler and which is not then and there being kept physically restrained from leaving the premises of the owner and handler. He said calls had been received by his office that Police that received barking dog complaints could go in and pick up a dog from someone's yard, although it was fenced in. Nothing could be farther from the fact than this. The two ordinances are not related.

The Mayor opened the hearing to the citizens. MR. H. C. JOHNSON, a dog owner, was 100% in favor of both ordinances, giving the police the right to pick up dogs running loose. As to the barking dogs, Mr. Johnson suggested that two or more persons join in making the complaint. MR. BILL TAYLOR inquired of the procedure in filing a complaint if the owner of the dog could not be reached. Also he inquired if his dog were in his front yard, if a police officer could pick him up. The City Attorney answered there was no provision for impounding a barking dog, but the owner could be fined. If the dog is under the immediate personal supervision and is responsible to the supervision, the Police Officer would not be authorized to impound the animal. If the dog is not physically restrained or under the immediate personal supervision of the owner or handler, the Police Officer would be authorized to impound the dog and notify the owner, if the animal is identified by a tag. Councilman Long suggested straightening out the notifying procedure as the City pays a certain amount of money to the Humane Society.

MR. LESLIE GINN protested police entering his premises in pursuit of a dog. As to barking dogs, he said a complainant may call the Police and report the barking dog, the Police would contact the individual; and if the person does nothing about it, then a formal complaint could be filed by the complainant. MR. HENRY MARTIN, Northwest Hills, complained about dogs running loose, hampering him as he walked for his health and pointed out the many nuisances dogs were to the neighborhood. He was for these ordinances. He stated all kinds of poverty in the City could be overcome by what is spent on dogs, food and to veterinarians. MR. HARRELL, dog lover, stated he was in favor of both ordinances. His neighbor had a set-up in her back yard with her dog that nothing could be done, and he had to buy the dog to eliminate the nuisance. MR. ALEXANDER CASSEL related experiences concerning the nuisances of dogs, stating he was 100% for the ordinances. MR. ALBERT KELTON, retired, pointed out there was really a dog problem on Wheless Lane and Ashberry Road, with at least 40 dogs which disturbed people's sleep and ruined their lawns. He was in favor of the ordinances.

MISS ANN SAPP asked about approved methods of picking big dogs up. CHIEF MILES stated there was an implement used in picking up all dogs, and they did not shoot the dog if one resisted. MR. JAY HODGSON inquired why the leash ordinance was not sufficient. The City Attorney explained as long as the dog is on private property whether or not he was under restraint, the Police were not authorized to impound him. He explained the proposed ordinances again, stating now in the absence of any of these ordinances, one could file a

civil suit against a person who is creating a nuisance. Under the proposed ordinance a person could file a simple complaint against the owner of a dog and the case would be tried in Corporation Court.

MR. R. V. HOUSE, owner of six dogs, was 100% in favor of doing something about dogs which keep people awake, that bite, and create a nuisance. MR. "RED" HERRING, brought out there were two sides to every question. Two of his children had taken rabies shots as they had been bitten by squirrels. Mockingbirds are noisy, as are purple martins; and chimney sweeps. He agreed there were many dogs and problems in the Wheless Lane area, but his dogs served as a security guard to his family. If the noise of the dogs is going to be stopped, he suggested passing this prohibition on to the birds. He was particularly opposed to the dog barking ordinance and to the ordinance allowing anyone crossing his property to pick up a dog. In answer to Councilman Nichols' question, he stated he did believe in the leash law and did not think a dog should be allowed to run loose.

MISS JANET CLARY did not want anyone to take her to Court or take her dog away from her. Her dogs do not bark unless there is a stimulus. She objected to the ordinance providing that only one person could file the complaint and that too much power was given to people to get rid of dogs. Any stray dogs in her yard, she takes to the pound herself. She opposed the ordinance which permitted the pound man to pick up the dog in the yard.

MR. ROBERT PLUMMER said a watch dog was a valuable asset to his owner. His idea was that dogs could be trained not to bark at their neighbors and not be nuisances. He thought the ordinances were in order and were needed. MRS. A. E. KEBRDLE complained about dogs and cats running loose in the Wheless - Ashberry area. She thought the ordinance should restrict the number of dogs a family could have. MR. WALTER TIMBERLAKE, dog lover, stated his neighbors all had dogs, and they had no trouble at all. He did not believe anyone should have permission to go into a yard and get one's dog out and take it to the Humane Society.

MR. ERLICK noted out of over 200,000 people in Austin there were less than a dozen people present today complaining about dogs, and noted that spoke well about dogs.

MR. EDDY MORRIS asked if there were no remedy on noisy barking dogs at present. The City Attorney stated cases could be filed in the civil courts, and explained the procedure. Under the proposed ordinance, the cases would be filed in the Corporation Court, would be speedier, and less expensive. Mr. Morris discussed the technicalities in the cases, and the City Attorney discussed the difference in the criminal cases and the civil cases; if the ordinance were not passed, the Civil laws of the State continue; if the Council enacts this law there will be created another criminal remedy apart from the civil remedy. MR. MIKE MILTON inquired how simple was it for one to file a complaint. The City Attorney listed the requirements, and explained the procedure. On Councilman LaRue's request, the City Attorney discussed redress under false complaints.

MARTHA KEENE owned three registered dogs which never barked unless disturbed. She was bothered by cats. She opposed the ordinance which would allow one individual to claim her dog was a disturbance and file against her.

COUNCILMAN JANES asked as a practical matter if the barking dog ordinance were passed, if the prosecutor would not in most cases accept frivolous or malicious cases. The City Attorney stated the prosecutor had too much work to do

than to be involved in frivolous and malicious cases, and explained the handling of such cases. Councilman Nichols asked if there were not fewer cases filed in all cases than those which possibly could be filed. The City Attorney stated when the citizens realize they have to file the complaint because the Police Officer was not a witness and could not file one they do not file perhaps 15 or 20% of the time. Councilman Nichols asked about the percentages of malicious filings. The City Attorney estimated there would be less than one fourth of one percent of the cases. Councilman Nichols said it was highly unlikely that all cases that might possibly be filed, would be filed; and those of actual malicious filing are limited in nature. Councilman Long believed this would take a load off the Police Switchboard, when the people understand, that they would have to file in Corporation Court, and many would not go to the trouble to do so.

MRS. RODNEY RANDMANN stated her dog was a hobby as well as a protection and she could not keep him from barking. She expressed opposition to the noise ordinance. COUNCILMAN NICHOLS read the Police Report of 1966 regarding dogs, and reporting a figure of 564 persons who reported being bitten during the year, and 6,673 people had called requesting a warden to be sent to pick up a loose dog or other animal, and many calls were for advice on ways to handle a neighborhood dog problem. Wardens and Police Officers were dispatched on 7,237 calls during the year. This represents approximately 9.51% of all calls dispatched by the Department.

Various speakers elaborated on their presentations, and questions were answered and explained. Councilman Long stated everyone had been heard, and it would be proper now for the Council to take the matter under consideration.

MAYOR AKIN asked if the Council would desire to hold this matter over until July 6th, at which time it will be taken up again. After discussion, Councilman Long moved that the hearing be continued and put on the Agenda for 2:30 P.M. July 6th, that the hearing be held for one hour and that presentations be limited to three minutes for each individual. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

OFFER OF L.C.R.A. TO PURCHASE USED SURPLUS ELECTRIC MATERIAL

The City Manager reported the Electric Utility Department thought it necessary to declare certain equipment as surplus as of January. MR. R. L. HANCOCK, Assistant Director of the Electric Utilities, explained as the electric utility system is expanded, certain apparatus becomes surplus. In January the Department circulated 14 utilities in the State, listing this apparatus and asking for bids on the equipment. Three responses were received, one being acceptable, and the equipment was sold. The other two bids were too low and were rejected. The City Manager stated all equipment was under \$5,000. Mr. Hancock said on the 14th of this month, L.C.R.A. inquired about the items listed on the tabulations sent to the Council. Councilman Long suggested that the City of Lockhart be added to the list in the future. After discussion, Councilman Long moved in view of the age of the equipment and the fair offer that the L.C.R.A. offer be accepted. The motion, seconded by Councilman Janes carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

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The City Manager stated he would correct the clerical error in the tabulation regarding the undepreciated value.

REQUEST OF FIESTA GARDENS TO OPERATE EXCURSION BOAT

The City Manager reported Fiesta Gardens had requested an extension of the permission granted by the City in 1966 to operate their excursion boat on Town Lake under the limited use basis each year. In 1966 there were some Town Lake policies under consideration by the Council at that time, and the Council granted the permission only for the summer season last year. Councilman Long moved that Fiesta Gardens be granted permission to operate their excursion boat on Town Lake for the summer season, with all the safeguards, insurance, etc. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

FLUORIDATION HEARING

The City Manager was asked to determine the number of people that may attend, and to locate a meeting place, reporting back next week.

TRANSFER OF RIGHT OF POSSESSION TO THREE TRACTS OF LAND FOR RIGHT OF WAY OF HIGHWAY 290

The City Attorney explained there were three properties acquired for the right of way of Highway 290 under contract with the State which requires the transfer of title to the State, and requires the State to pay 50% of the cost. The properties were the SCHKADE property, .938 acres at \$26,500 the owner retaining the house. Today the right of possession will be transferred as the property is being condemned. Later the title will be transferred to the State. Another property is the OLANDER one-third acre, at \$9,200; and the third case is the TARTER 1.077 acre, the owner retaining the house, reducing the amount to be paid to \$51,000. The City Attorney stated all of these were acquired through condemnation. Councilman Nichols inquired of the Tax Department's procedures on assessing properties such as these. People adjoining properties like these are asking tremendous prices for them. Councilman Nichols asked that the City Manager get an answer on tax values in cases where the City starts buying highway properties and adjacent land prices accelerate. He asked if those properties remained on the tax roll at the same price, or if they are reassessed and reappraised. The City Manager stated it may be good for the Tax Assessor to come before the Council and discuss this.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That James A. Wilson, City Manager, be and he is hereby authorized and directed to convey to the State of Texas, the hereinafter described tract of land condemned of Frida Olander;

Such conveyance to be for and in consideration of the payment by the

State of Texas of one-half (1/2) of the cost of condemnation of such tract in accordance with the terms of that certain contract entered into by and between the City of Austin and the State of Texas on the 9th day of December, 1963, for the acquisition of right-of-way for U. S. Highway 290 East from Interstate Highway 35 to Mira Loma Drive in the City of Austin; said tract of land being more particularly described as follows:

0.282 acre of land, more or less, out of a portion of the James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, and being a part of 5.32 acres of land conveyed to George Olander, et ux Frida Olander by D. O. Patton et ux Minnie I. Patton by deed dated August 2, 1945, and recorded in Volume 756, Page 629, of the Deed Records of Travis County, Texas, said 0.282 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at the present Northeast corner of said 5.32 acre tract in the existing South right of way line of U. S. Highway 290, said present Northeast corner being S 26° 51' W, 69.90 feet from Highway Centerline Station 73+31.20, said Northeast corner also being the Northwest corner of a 2.15 acre tract conveyed to Mrs. Ruby H. Tarter by deed recorded in Volume 768, Page 85, of the Deed Records of Travis County, Texas;

THENCE, S 26° 51' W, 190.00 feet along the East line of said 5.32 acre tract, same being the West line of aforesaid Ruby H. Tarter property, to a pin for the South corner of the tract herein conveyed in the proposed South right of way of U. S. Highway 290, said corner being N 26° 51' E, 333.76 feet from the original most Southerly corner of the George Olander 5.32 acre tract;

THENCE, N 21° 40' 33.5" W, 173.10 feet along said proposed right of way line to a pin in existing South right of way line of U. S. Highway 290 for the Northwest corner of this tract;

THENCE, in an Easterly direction along said existing right of way line, following the arc of a curve to the left having a radius of 5789.65 feet, and whose long chord bears N 86° 41' 29.2" E, 150.00 feet, an arc distance of 150.00 feet to the place of beginning.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That James A. Wilson, City Manager, be and he is hereby authorized and directed to convey to the State of Texas, the hereinafter described tract of land condemned of Ruby H. Tarter;

Such conveyance to be for and in consideration of the payment by the State of Texas of one-half (1/2) of the cost of condemnation of such tract in accordance with the terms of that certain contract entered into by and between the City of Austin and the State of Texas on the 9th day of December, 1963 for

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the acquisition of right-of-way for U. S. Highway 290 East from Interstate Highway 35 to Mira Loma Drive in the City of Austin; said tract of land being more particularly described as follows:

1.077 acres of land, more or less, out of a portion of the James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, and being a part of 2.15 acres conveyed to Mrs. Ruby H. Tarter by D. O. Patton et ux Minnie I. Patton, by deed dated August 2, 1945, and recorded in Volume 768, Page 85, of the Deed Records of Travis County, Texas, said 1.077 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at the present Northwest corner of said 2.15 acre tract in the existing South right of way line of U. S. Highway 290, said present Northwest corner being S 26° 51' W, 69.90 feet from Highway Centerline Station 73/31.20;

THENCE, in an Easterly direction along said existing South right of way line following the arc of a curve to the left having a radius of 5789.65 feet and whose lone chord bears N 85° 19' 54.7" E, 117.63 feet, an arc distance of 117.63 feet to a pin set at the intersection with the West line of Berkman Drive for the Northeast corner of the tract herein conveyed;

THENCE, S 5° 03' E, 49.25 feet along the West line of Berkman Drive, same being the East line of said Mrs. Ruby H. Tarter property, to a pin for corner;

THENCE, S 29° 30' W, 550.38 feet along the West line of Berkman Drive to a pin set for the most Southerly corner of the Mrs. Ruby H. Tarter property and the most Southerly corner of this tract, said corner being S 59° 33' E, 101.6 feet from the most Westerly corner of said Tarter 2.15 acre tract and the most Southerly corner of a 5.32 acre tract conveyed to George Olander et ux Frida Olander by deed dated August 2, 1945, and recorded in Volume 756, Page 629 of the Deed Records of Travis County, Texas;

THENCE, N 10° 20' E, 354.75 feet to a point in the original West line of the Mrs. Ruby H. Tarter 2.15 acre tract;

THENCE, N 26° 51' E, 190.00 feet along said original West line of property to the place of beginning.

LESS HOWEVER, all improvements situated on the above described tract of land.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That James A. Wilson, City Manager, be and he is hereby authorized and directed to transfer to the State of Texas the right of possession of the hereinafter described tract of land acquired by the City of Austin by virtue of a

Special Commissioners' Award filed on the 9th day of June, 1967, in an eminent domain proceeding pending in the County Court of Travis County, Texas, styled the City of Austin v. William B. Schkade, et ux, No. 511 in said Court.

Such transfer to be for and in consideration of the benefits to be derived by the City in accordance with the terms of that certain contract entered into by and between the City of Austin and the State of Texas on the 9th day of December, 1963, for the acquisition of right-of-way for U. S. Highway 290 East from Interstate Highway 35 to Mira Loma Drive, in the City of Austin; said tract of land being more particularly described as follows, to-wit:

0.938 acre of land, more or less, same being out of and a portion of the James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, which was conveyed to William B. Schkade et ux, by deed dated July 9, 1962, of record in Volume 2499, Page 548, of the Deed Records of Travis County, Texas, said 0.938 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a pin set in the existing North right of way line of U.S. Highway 290 at the intersection with the West line of that 0.94 acre tract conveyed to William B. Schkade in the above mentioned deed; said point of beginning being N 28° 22' E, 73.17 feet from station 75+27.66 on the centerline of said Highway;

THENCE, N 28° 22' E, 400.32 feet along the West line of said 0.94 acre tract to its Northwest corner in the proposed North right of way line of U.S. Highway 290, same being the South line of the Austin Independent School District 33.76 acre tract conveyed by deed recorded in Volume 1799, Page 492 of the Deed Records of Travis County, Texas;

THENCE, N 76° 34' 31.3" E, 54.94 feet along said proposed right of way line, same being the North line of said 0.94 acre tract, to a stake at its Northeast corner, for the Northeast corner of the tract herein conveyed;

THENCE, S 8° 02' W, 341.94 feet along the East line of said William B. Schkade tract, same being the West line of a tract conveyed to L. A. Fry et ux by deed recorded in Volume 880, Page 548, of the Deed Records of Travis County, Texas, to a stake in the existing North right of way line of U. S. Highway 290 for the Southeast corner of this tract, same being the Southwest corner of said L. A. Fry property;

THENCE, along the existing North right of way line being a curve to the right, having a radius of 5,669.65 feet, the chord bears S 82° 19' W, 197.62 feet with an arc length of 197.63 feet to the place of beginning.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

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The City Attorney explained the School Board authorized the City to proceed with the construction work on West 15th Street, overpassing Lamar, crossing a tract immediately north of House Park Grant. The Schools have been interested in the vacation of Park Row and their acquiring the City's property, the Austin Athletic Club. The Recreation Department has for sometime been interested in acquiring another site in that quadrant of the City which would have off street parking facilities and better gymnasium facilities than the Athletic Club provides, and it has been in their plans to acquire another site, or possibly locating a new Austin Athletic Club on existing city property. The City Manager stated it was hoped that the funds received from the sale of this property to the Schools would provide funds to build a new facility.

The City Attorney explained the three types of ownerships involved. One property where the tennis courts are is used by the Austin High School in conjunction with the Recreation Department; and the Recreation Department's activities are carried on in the Austin Athletic Club.

House Park (north of Park Row and extending beyond the stadium) is part of the grant Colonel E. M. House made jointly to the schools and the City, each owning a one-half undivided interest, restricted to use for park and playground purposes.

The Schools have subsequently purchased three or four acres adjoining House Park on the north. Part of that property is that across which West 15th Street is now under construction. The ultimate right of way for the second phase of construction has not yet been determined. The Schools are interested in making an exchange of land for which the City needs for the thoroughfare for land the schools need. The City Attorney stated that the question is whether or not to have a joint meeting with the School Board. Councilman Janes suggested meeting with the Parks and Recreation Board and Planning Commission prior to the joint meeting with the School Board. The City Attorney discussed the exchange of land or purchases. Councilman Long stated the Street and Bridge Department or the Highway Department would pay for the right of way across the school tract and the Parks and Recreation Department would receive those funds to purchase property elsewhere or to build a new gymnasium. The question concerns only the property in these three tracts. The City Attorney stated the Schools had indicated an interest in using the Austin Athletic Club for a considerable period of time. The House Park tract is limited to playground purposes only. There are no limitations on the Austin Athletic Club property. He said the square foot value of the land north of House Park and the value of the land for the Athletic Club are comparable. There are improvements on the City tract, and further enhancement if Park Row is to be vacated. After discussion, Councilman Long moved that a meeting be set with the Parks and Recreation Board and the Planning Commission at the Parks and Recreation Building for July 6th, at 4:00 P.M. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

Councilman Long moved that the Council set July 17th, at noon, if it meets with the approval of the School Board, to meet with them at the Administrative Offices at 6100 Guadalupe. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilman Long brought up a matter initiated by a call from one of the citizens, suggesting some publicity and a warning from the Council and the Chief of Police concerning shooting fire crackers on July 4th. In view of the dry weather and grass fires that have been started, she suggested that everyone take utmost care in the shooting of fire crackers, and that they be reminded fire crackers are outlawed in the City. It was pointed out this also came under the Fire Marshal's jurisdiction. Councilman Long stated people should also be warned about going outside the City limits and setting off fire crackers.

SALES TAX DISCUSSION

MAYOR AKIN suggested that the Council take note of the meeting and action of those Austin citizens that met this morning and discussed a possibility of a sales tax and presentation to the Council, and commend them for their thinking in this direction for the future. The Council recognizes there appears to be a good possibility that the City will have to look for new sources of revenue in the not too distant future; and in the light of this possibility, the Council would be very glad to discuss the advisability of the sales tax at such time these gentlemen are desirous of discussing it. Councilman LaRue said this was excellent, and the Council should invite this group to appear before it at the earliest possible date. Councilman Janes expressed his concern along the philosophy the Mayor expressed. Councilman Long suggested it would be wiser to let this matter come from the citizens; and that she did not want to take a position at this time, and that she was not for the sales tax. Councilman Janes did not concur with Councilman Long that this action should be instituted by the people; but felt the Council should take advantage of any information available to it; and if the Council in its wisdom feels it should be the leader in this area, it should discharge that responsibility. Councilman LaRue concurred with Councilman Janes and Mayor Akin, that it had come to the attention of the Council that the city leaders had met to discuss this and are going to further this cause, and the Council should suggest if they see fit to bring this matter to the Council, it would welcome the opportunity to take advantage of any information they may have gathered. Councilman Long stated there would be a sequence as to how this would come in, and a proper time, but she was not prepared at this time.

After discussion, the Council for clarification reconsidered the vote taken on Councilman Janes' motion that a motion, with the help of the City Attorney be framed that embodied the philosophy expressed by Mayor Akin and Councilman LaRue. Councilman Janes withdrew subsequent motions he had made. Councilman Janes moved that the group, which it had come to the attention of the Council as having met on June 29th in consideration of the potential application of the sales tax in the City of Austin, and other interested people be invited to share with the Council their findings and thinking in this area. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilman Nichols made the following statement concerning his vote:

"Without stating how I feel about the sales tax, my ultimate desire is that this be presented to the people to vote on whether they want it or not. I vote 'aye'."

CITY MANAGER'S SALARY SET

Councilman Long moved that the salary of the new City Manager (MR. JAMES A. WILSON) be set as the same as the City Manager that just left. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin

Noes: None

PROPERTY ON BEN WHITE BOULEVARD AND BANISTER LANE

COUNCILMAN NICHOLS stated MR. HENRY SASSE is interested in the property on Banister Lane and Ben White Boulevard, and the city has an interest of acquiring five feet off of Banister Lane. The City Attorney said he was acquainted with this request, and had been in contact with Mr. Sasse's Attorney. Councilman Nichols recalled a part of this tract had been sold to a Church on Ben White and Banister Lane and there is land adjoining this tract in which several parties are interested, and want to see it put up for bids. The City Attorney stated the Council had directed two weeks prior that he work out an arrangement with the Church, and he had an appointment with them today. Councilman Nichols suggested auctioning the adjacent property, setting a floor. Before this is done, they should be certain the triangular tract had been sold to the Church. The City Attorney stated he would report back next week on the result of the meeting with the Council. Councilman LaRue said by that time, other property might be located that could be sold at the same time.

MOOREBURGER LEASE

The City Attorney stated the lessees of the Mooreburger tract at 27th and Guadalupe had expressed a desire to lease the property but made no indication as to what he considers the property to be worth. Councilman Nichols suggested that he be called and asked to make an offer on that property. Councilman Janes stated the City could not deal with one person exclusively. The City Attorney explained the tract was of such a size that the Council under its policy could deal with the Mooreburger people singularly, or the people to the north alone, or advertise for bids. Councilman Nichols stated an offer from the owner to the north had been made; and it was his wish that the Mooreburger people either make or reject making an offer on the property, and then the City would know how to proceed.

FLEETWAY AIRLINES

The City Manager reported the Council previously authorized a lease to Davis Air Lines for service between Austin and Bryan. They are no longer located at the terminal building nor servicing this area. FLEETWAY AIR LINES has made an offer, identical to the Davis Air Line lease. The Director of Aviation stated this was an Interstate Carrier proposing to operate from Longview and Tyler to Austin, one round trip a day; and in September they will put on another round trip extending to San Antonio. They are required to carry full insurance coverage. Space is available at the terminal. Monthly rent is \$41.25 plus \$5.00 for the Public Address Service plus landing fees. About \$60.00 a month income will be realized, but additional service would be made available. It was his recommendation that the City enter into the same type of agreement as they had

with Davis Air Lines. If the airline purchases gasoline here, the City receives its four cents per gallon. The term of the contract is for a year plus a 30 day cancellation notice. Councilman Long moved that the City Manager be authorized to enter into a contract with the FLEETWAY AIRLINES, the same type of contract entered into with the DAVIS AIRLINES COMPANY, effective July 5th. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

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The City Manager reminded the Council of the Urban Renewal Tour. Mayor Akin said this was such an important part of the overall program, that he would suggest the invitation be accepted at an early date. The Council decided to meet at the City Hall WEDNESDAY, JULY 5, 10:00 A.M. and go from there to the Urban Renewal Office. Mayor Akin suggested that the Council, on the same day of the tour, have an Executive Session for the purpose of discussing possibly applications and giving consideration to possibly candidates for City Manager, and other personnel matters.

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The City Manager reported that for several years, the City had bought the back cover of the Austin Trades Council Labor Day Brochure, using a part of the Utility Promotion Fund. Mrs. Frank Walling had requested again this year that the City purchase the back page at \$225.00. He showed a copy of the ad used previously. Councilman Long moved to renew the ad with the Trades Council for the LABOR DAY PROGRAM. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

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The City Attorney submitted a request from the Austin Association of Home Builders requesting permission to close two streets in the new Section 4 of University Hills, during the 1967 Parade of Homes on July 8-16 -- Geneva Drive and Carlton Drive. They requested a street sweeper to clean Geneva and Carlton Drives on July 7th, and the Association would keep them clean the days following; to have garbage pick up two or three times between July 7th and 17th, at or near the refreshment stand on Geneva Drive. The City Manager recommended that they cooperate with the Parade of Homes. Councilman Long moved that the City Manager be authorized to look into this matter and work out any problems that might arise; and if he sees that it is feasible to go ahead and grant the requests. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

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The City Manager announced that JULY 4TH was a Municipal Holiday and there would be no garbage pick up.

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The City Manager stated Mr. DeBerry had been working on setting up a meeting with the Associated General Contractors and with District 14. August 3rd had been suggested. Councilman Janes stated this was a project which Mr. Woods, State Highway Department, wanted to meet with the Council; and when they have their District 14 meeting with the Highway Contractors and Associated General Contractors, they want to have the Council and Public Works Director for lunch and have a general get acquainted meeting. Councilman Nichols moved to direct the City Manager to confirm the appointment from noon until 2:30 P.M. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

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The City Manager reported he did get detailed information regarding the Aqua Festival Land Parade; and it was his understanding when they received the information, that they had permission to grant the permit. The Council agreed.

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The City Manager expressed appreciation for the action the Council took regarding him this afternoon and that he would do everything possible to be deserving of this action. Mayor Akin on behalf of the Council expressed appreciation for his statement.

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MAYOR AKIN read a letter from CONGRESSMAN J. J. PICKLE, expressing concern over the amount of publicity generated by the few who had demonstrated a contempt of this Nation by burning or other wise defiling the American Flag. Along with an overwhelming majority of his colleagues, he said he supported a bill prohibiting public action dishonoring the United States Flag. The letter pointed out his hope that Austin would participate in the nation wide demonstration of respect and reverence for the Stars and Stripes and our Country, and urged that a declaration for a July 4th parade be issued; that all segments of the community be urged to participate; and the public be encouraged to participate through advance notice of the news media. Councilman Nichols suggested that the Mayor correspond with Congressman Pickle stating the Council wholeheartedly agree with his idea. The City Attorney pointed out also the Council authorized the gathering on public property for a fireworks display sponsored by the Jaycees and the participation of the City in this celebration. Councilman Nichols moved to reply to CONGRESSMAN PICKLE advising that the Council is in whole hearted support of this, and that July 4th is a City Holiday and the Jaycees are sponsoring the fireworks with the City's participation. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The City Attorney had a report on MR. NELSON PUETT'S short form subdivision, which he had called to the Council's attention this morning. The thing holding up the short form subdivision was a tax certificate, and a zoning change for a part of the subdivision which was to be used commercial according to the plan.

In times past, subdivision plans had been approved inconsistent with zoning, so now the zoning precedes the short form plan. The Planning Department was in touch with Mr. Puett's engineer, and it was suggested to Mr. Holmes that he submit a request for payment on the part of right of way. The dedication will be by plat and the City will automatically pay. The tax certificate and zoning change are what are holding up the subdivision, and Mr. Puett will be advised. This subdivision is on South Lamar across from Lamar Plaza Shopping Center.

IMPROVED AIRLINE SERVICE REPORT

The City Attorney stated if the Council had any different view on the question of the general method of pursuing the new and improved air service to Austin as outlined in MR. PENDLETON'S letter which was distributed to the Council, he would like to have an expression on it. Mr. Pendleton's letter was carried widely in the press, and the statements he had heard in response were quite favorable on the proceedings along the lines Mr. Pendleton outlined. He would like for Mr. Pendleton to come to Austin so that he could be in touch with the Chamber of Commerce and the City Council and others before the case docket is worked up. Application was to be made for some airline providing east-west service to the West Coast to stop in Austin. Mr. Pendleton had suggested CONTINENTAL ROUTE 29. The sooner this is on file, the better. The City Attorney stated after considering this at some length, this seemed to be the best hope for obtaining a quick improvement in the service. Councilman Nichols stated in discussing this with the Aviation Director and other interested people, he was told this was about all that could be expected at this time and this is what the City really needs. Councilman LaRue moved to authorize the pursuit of the recommendation of the Special Counsel, Mr. Pendleton. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

ASSIGNMENT TO BORG-WARNER CORPORATION PUMP CONTRACTS X-107 & X-108

The City Attorney stated the City received notice from the BORG-WARNER CORPORATION stating on June 30, the BYRON JACKSON PUMP COMPANY, successful bidder on two contracts for pumps, X-107 and X-108, will assign its interests in those contracts to the BORG WARNER CORPORATION, and it in turn will surrender for cancellation the stock of the BYRON JACKSON PUMP COMPANY, and they will assume its obligation under these agreements. They ask for consent to this assignment. All they know about the BORG-WARNER CORPORATION is that they are at least as satisfactory as BYRON JACKSON PUMP COMPANY and it is recommended that the City Manager be authorized to execute a letter indicating consent of the City to this assignment. Councilman Janes moved that the City Manager be authorized to indicate the consent of the City to the transfer of Contracts X-107 and X-108 to the BORG-WARNER CORPORATION from BYRON JACKSON PUMP COMPANY. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

OFFER TO LEASE TRACT ON NORTH LOOP AND HANCOCK DRIVE

The City Attorney stated the Council received a copy of letter dated June 27th of a proposal from MR. EDGAR J. WEST together with a map indicating his desire to lease the triangular section of land at the intersection of North Loop and Hancock Drive, for \$100.00 a month ground rent, for 16,000 square feet. Councilman Nichols moved that the offer be rejected. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

STATUS OF 12,000 APPROPRIATION TO COMMUNITY COUNCIL HEALTH PLANNING COMMITTEE

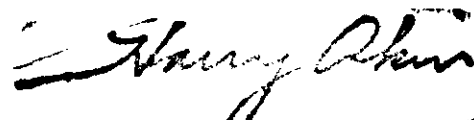
Councilman Long stated the Council agreed to spend \$12,000 with the Community Council Health Planning Committee in case the County matched this. The plan has fallen through, and she wanted to see that this amount was cancelled. Councilman Janes stated the authorization was that the City was matching some Federal funds and County funds; and when the Federal funds are not forthcoming, that obviated the City's obligation. Councilman LaRue stated he believed the Community Council was under the impression they could continue the program. He suggested that the Council refer to the Minutes to see what the understanding was. Councilman Long did not think the program could be continued and carried through in any scope, and this 12,000 should be cancelled out until the program is reactivated. Councilman LaRue stated from the understanding they had, if the participation of the Federal Government were a prerequisite, it should be cancelled; but if the pre-requisite was participation with the County, they have that. The Council asked the City Manager to give a report on this at the next meeting. Councilman Long stated she thought the Council was matching Federal and County Funds.

There being no further business Councilman LaRue moved that the Council adjourn. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Council adjourned at 7:30 P.M.

APPROVED



Mayor

ATTEST:



Asst. City Clerk